

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CCI ENVIRONMENTAL, INC., D.W.)
MERTZKE EXCAVATING &)
TRUCKING, INC., GLOBAL)
ENVIRONMENTAL, INC., PREMIER)
DEMOLITION, INC., ADVANCED)
ENVIRONMENTAL SERVICES, INC.,)

Plaintiffs,)

v.)

CITY OF ST. LOUIS, and ST. LOUIS)
AIRPORT AUTHORITY,)

Defendants.)

Case No. 4:19-cv-03099-RWS

JOINT RESPONSE TO COURT'S ORDER

COME NOW the parties, by and through their respective counsel, and hereby submit the following response to this Court's order of September 1, 2020 [ECF 42]:

1. Counsel for the parties have conferred about mediation. The parties respectfully represent to the Court that, in their opinion, mediation would not be useful, due to the nature of the issues presented in this cause. The parties have discussed possible alternative resolutions at some length, but without agreement.

2. The new rules of the City of St. Louis regarding its MBE program have been formally approved and become effective October 1, 2020. A copy of said rules is attached hereto as Exhibit A.

3. The plaintiffs may seek certification under the new rules; however, they do not believe the new rules remedy the constitutional and unlawful defect asserted by plaintiffs, and require plaintiffs to submit to unnecessary and time consuming application procedures without

any assurance of certification. Accordingly, the parties request that the Court proceed to a disposition of the cross-motions, allowing the parties to file supplementary memoranda simultaneously within 15 days of this date.

Dated: September 8, 2020

Respectfully submitted,

/s/ Matthew Ghio
Matthew J. Ghio
Ghio Law Firm, LLC
3115 S. Grand, Suite 100
St. Louis, Missouri 63115
Telephone: (314) 707-5853
matt@ghioemploymentlaw.com
Attorney for Plaintiffs

JULIAN L. BUSH
City Counselor
/s/Robert H. Dierker 23671(MO)
Associate City Counselor
dierkerr@stlouis-mo.gov
Chelsea Mannery 71062(MO)
Assistant City Counselor
314 City Hall
1200 Market St.
St. Louis, MO 63103
314-622-3361
Attorneys for Defendants